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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
408445

First named inventor: Ethan R. Signer

Application No.: 09/879,329

Group Art Unit: 1642

Filed: June 12, 2001

Examiner:

Title: REMOVAL OF SELECTABLE MARKERS FROM TRANSFORMED CELLS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231**RECEIVED**

MAR - 4 2003

**OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity - fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice to File Missing Parts of Nonprovisional Application (identify type of  
reply):

- ☐ has been filed previously on \_\_\_\_ .  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_

- ☐ has been paid previously on \_\_\_\_ .  
☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/04/2003 AWONDAF1 00000071 09879329

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2/28/03  
Date

[Signature]  
Signature

Telephone  
Number: (720) 931-3012

Dan Cleveland, Jr. Reg. No. 36,106

Typed or printed name

4845 Pearl East Circle, Suite 300

Address

Boulder, CO 80301

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other : Petition for 3 month Extension of Time; Copy of Notice to File Missing Parts; Request to Amend Attorney Docket Number; Certificate of Mailing; Return Postcard

**CERTIFICATE OF MAILING BY EXPRESS MAIL [37 CFR 1.10]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail Label No. EL 820325643 US in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

2/28/03  
Date

[Signature]  
Signature

Michelle Ford

Typed or printed name of person signing certificate